

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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FISCAL IMPACT STATEMENT

LS 8062

BILL NUMBER: HB 1829

DATE PREPARED: Apr 11, 2001

BILL AMENDED: Apr 11, 2001

SUBJECT: Abandoned Infants.

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FUNDS AFFECTED: X **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill increases from 30 days to 45 days the maximum age of an abandoned infant that may be taken into custody without a court order. The bill provides that a person who leaves an infant with an emergency medical services provider is not required to disclose the person's name or the parent's name. The bill also requires a local child protective service that takes custody of an infant to contact the Missing Persons Clearing House to determine if the infant has been reported missing. It provides that, in custody hearings concerning an abandoned infant left with an emergency medical services provider, the emergency medical services provider is not required to be notified of custody proceedings. It also removes a rebuttable presumption that it is not in the best interests of a child to locate the child's parent or reunify the child's family if the child was left with an emergency medical services provider. The bill makes a technical correction regarding detention hearings and initial hearings in cases involving abandoned infants. The bill also gives juvenile courts exclusive original jurisdiction over guardianships for certain children who have been found by a juvenile court to be children in need of services (CHINS). It allows a court to issue an order to detain a child who has been taken into custody for a delinquent act if the court finds probable cause to believe that it is not in the best interests and welfare of the child or it is harmful to the safety or health of the child to be returned to the child's home. The bill further gives Boone Circuit Court and Hendricks Circuit Court power over a guardianship of the person proceedings for a CHINS child.

Effective Date: July 1, 2001.

Explanation of State Expenditures: (Revised) This bill expands the definition of an abandoned infant to a child who is or appears to be not more than 45 days of age. (Current law defines an abandoned infant as a child who is or appears to be not more than 30 days of age.) The bill also extends the period of time that a person may abandon an infant with an emergency medical services provider from 30 days of age to 45 days of age. Potentially, the number of infants abandoned could increase although this result seems unlikely. The bill also specifies that a person who leaves an infant with an emergency medical services provider is not obligated to disclose the person's name or the parent's name. The bill also specifies that if the parent of an abandoned child does not disclose the parent's name, the parent is not required to be notified of disposition or custody proceedings. The bill also eliminates a rebuttable presumption that it is not in the best interest of the child to locate the child's parent or reunify the child's family if

the child was left with an emergency services provider. These provisions could save the state administrative dollars by reducing the number of child abuse or neglect cases investigated and prosecuted as well as speeding the process of freeing the infant for adoption. The bill also requires a local child protective service that takes custody of an abandoned infant to contact the Indiana Clearinghouse on Missing Children, (administered by the State Police), to determine if the infant has been reported missing. The Clearing house may be accessed via an 800 telephone number.

The ultimate impact of the bill will be determined by the number of infants that are abandoned and the circumstances surrounding the abandonment. The Division of Family and Children estimates that it provides assistance to 60 abandoned infants each year.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) The bill specifies that a person who leaves an infant with an emergency medical services provider is not obligated to disclose the parent's name. This provision could save the local courts administrative dollars by reducing the number of child abuse or neglect hearings. The provision regarding parental notification of custody hearings for abandoned infants is expected to have a minimal impact on courts with juvenile jurisdiction and local offices of the Division of Family and Children. This provision may decrease the length of time necessary to finalize an adoption of an abandoned infant. The bill also eliminates the requirement that the emergency services provider with whom an abandoned infant was left, be notified of custody hearings. The emergency service provider may be notified by the local Office of Family and Children and may be heard at the detention hearing. This provision relieves the local courts of an administrative duty. The bill includes an attorney representing a child's parents, guardian, or custodian to the list of persons required to receive notice of custody hearings.

Under current law, juveniles who have been determined to be children in need of services (CHINS) who have a permanency plan that provides for the appointment of guardians have their guardianship cases assigned to courts with probate jurisdiction. Under this bill, the cases of these juveniles would be transferred to the courts with juvenile jurisdiction. The Family and Social Services Agency reports that almost 50 of the cases involving these types of matters are either currently before the courts or have been recently approved in court decisions. Most of these children are adolescents who are living with relatives. Any effects from this bill would be on a county-by-county basis. Some courts having jurisdiction over the guardianship matters of certain juveniles may have to shift resources to the courts with juvenile jurisdiction that would add these cases to their docket.

The provision that allows a juvenile court to issue a detention order in circumstances where the court finds that it is not in the best interest of the child to be returned to the child's home may increase the number of juveniles who might be detained at the county level. Juveniles may be detained in facilities that are either: (1) county jails if the juvenile has not more than haphazard or incidental sight or sound contact with adults charged with or imprisoned for crimes, or (2) juvenile facilities.

Explanation of Local Revenues:

State Agencies Affected: The Family and Social Services Administration, Division of Family and Children.

Local Agencies Affected: Local courts with juvenile jurisdiction.

Information Sources: John Wood, Family and Social Services Agency; IC 31-37-7-2.